

«RefNum»

Class Member ID: «RefNum»

MUST BE
POSTMARKED OR
SUBMITTED
ELECTRONICALLY NO
LATER THAN
MARCH 19, 2021

JAMES CONTANT, *et al.* v.
BANK OF AMERICA CORPORATION, *et al.*

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
CASE NO. 17-CV-3139-LGS

FOR OFFICE
USE ONLY

FX ANTITRUST INDIRECT PURCHASER SETTLEMENT PROOF OF CLAIM FORM

On November 19, 2020, the Court granted final approval of Settlements in the class action lawsuit *Contant, et al v. Bank of America Corp., et al*, No. 17-cv-3139-LGS (S.D.N.Y.) (“Action”). Persons and entities are eligible to file a claim to receive an award from the Settlement funds if they: (a) purchased foreign currency (“FX”) instruments from retail foreign exchange dealers (“RFEDs”) or other entities that transacted in FX instruments directly with a Defendant in the Action or one of Defendants’ alleged co-conspirators; (b) during the period of December 1, 2007, through July 17, 2020 (the “Class Period”), (c) while in or while residing in New York, Arizona, California, Florida, Illinois, Massachusetts, Minnesota, or North Carolina. The Settlements provide for \$23,630,000 in cash and release claims of members of the Settlement Classes against Defendants. Notice was disseminated to members of the Settlement Classes via postcard and email (to Class members for whom Plaintiffs obtained contact information) as well as in a press release, online banner ads, social media and Google search advertisements targeted at Class members, and the Settlement website fxindirectantitrustsettlement.com. The purpose of this proof of claim (“Claim Form”) is to ensure that you are able to participate in the distribution of the \$23,630,000 settlement fund, less attorneys’ fees, expenses, administration costs, service awards as approved by the Court, and any taxes owed (“Net Settlement Fund”). An online fillable version of the claim form (the “Online Claim Form”)—as well as other important documents including notice forms, the plan of allocation, and the Court order granting final approval of the Settlements—are available on the Settlement website at fxindirectantitrustsettlement.com.

Claim Form Instructions: You can either complete and submit the Online Claim Form on the Settlement website or complete and mail this Claim Form to Heffler Claims Group, PO Box 7907, Philadelphia, PA 19101-7907. The Claims Administrator and Plaintiffs’ counsel have obtained transactional data from the following RFEDs: (1) Forex Capital Markets (“FXCM”); (2) GAIN Capital (which operated the RFED FOREX.com); (3) Oanda Corporation; and (4) FXDirectDealer, LLC (“FXDD”). Records reflecting your FX transactions are included in this data. Claimant awards will be calculated *pro rata* based on the total transactional volume of each claimant during the Class Period. You have two options for how to submit your claim:

- **Option One:** Authorize the Claims Administrator to compute your claim based on records obtained by Plaintiffs’ counsel. If you select this option, you agree to have the amount of your claim computed based on your records of transactions with only the four RFEDs listed above that were produced to Plaintiffs’ counsel in this litigation. All you must do is complete the Form below, check the Option One box, and sign and return this Form, while keeping a copy for your records. In order to receive payment for a valid claim, you must submit this Form postmarked by no later than March 19, 2021, or submit an Online Claim Form by the same date.
- **Option Two:** Submit your own documentation. You may submit your own detailed transactional records to be included for purposes of calculating your *pro rata* claimant award if (a) you have records reflecting your transactions with RFEDs or other eligible entities **other than the four RFEDs listed above**; or (b) you wish to submit your own records reflecting your transactions with the four RFEDs listed above. In order to submit your own transaction records under Option Two, you must submit detailed transactional records (*e.g.*, account statements and transaction confirmations) and fill out and submit the “Option Two Claim Form Spreadsheet” (template file posted on the Settlement website) by uploading it to the Settlement website via the online claim portal. You must also complete the Form below and check the Option Two box. In order to receive payment, you must submit this Form (or an Online Claim Form) postmarked by no later than March 19, 2021, and you must upload the “Option Two Claim Form Spreadsheet” to the Settlement website via the online claim portal by the same date.



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If your claim is valid and timely, your *pro rata* share of the Net Settlement Fund will be computed once the deadline for submitting Claim Forms has expired. The Net Settlement Fund will be distributed to Claimants *pro rata* based on each Claimant's transaction volume, with adjustments to account for the dates and currency pairs corresponding to those transactions. **If any information in the "CLAIMANT INFORMATION" section of the below Claim Form is incorrect or out of date, please include your correct information in the "CHANGE OF ADDRESS / ADDITIONAL INFO" section of the Claim Form.** If you need additional space to include such information, you may attach an additional page to the Claim Form. If you received more than one Claim Form with more than one Class Member ID number, please complete all Claim Forms and submit them together.

It is anticipated that Claimants with larger transactional volumes may receive awards of hundreds or thousands of dollars. It is anticipated that Claimants with relatively low volumes of FX transactions will receive awards of no less than \$12.50 (for claimants who traded FX between December 1, 2007, and December 31, 2013) or \$5 (for claimants who only traded FX between January 1, 2014, and July 17, 2020). The amount that a Claimant with a timely and valid claim receives will vary based upon the following factors, among others: (1) transactional volume as calculated and verified by the Claims Administrator relative to the total verified transactional volume of all claimants; (2) the total number of timely and valid Claim Forms received from eligible Class members; and (3) claims administration costs, taxes, and other expenditures that may reduce the Net Settlement Fund available for distribution.

If you do not submit detailed transaction records under Option Two, you will be waiving the right to challenge the Claims Administrator's determination regarding your *pro rata* distribution amount on the ground that the distribution amount would have been different had it been calculated using your own purchase records. For more information on the Plan of Allocation, please visit the Settlement website. You may also request assistance with your Claim Form by calling 1-844-245-3777 or emailing info@fxindirectantitrustsettlement.com.



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Claim Form

CLAIMANT INFORMATION:

«Company»

«FirstName» «LastName»

«Address1»

«Address2»

«City», «State» «Zip»-«Zip4»

«Email»

Class Member ID: «ClassMemberID»

CHANGE OF ADDRESS / ADDITIONAL INFO

☐ **OPTION ONE – NO ADDITIONAL RECORDS TO SUBMIT:** Your award amount will be calculated *pro rata* based on the total volume of your FX transactions with one or more of (1) Forex Capital Markets (“FXCM”); (2) GAIN Capital (which operated the FOREX.com); (3) Oanda Corporation; and (4) FXDirectDealer, LLC (“FXDD”), as reflected in the transactional data produced to Plaintiffs in this Action by those RFEDs.

☐ **OPTION TWO – SUBMISSION OF DETAILED TRANSACTIONAL RECORDS:** You are submitting detailed transactional records to support your claim for your eligible FX transactions during the Class Period. You must follow all instructions for Option Two set forth above, including submitting detailed transactional records (*e.g.*, account statements and transaction confirmations) with this Claim Form and completing and submitting the “Option Two Claim Form Spreadsheet” listing your transactions (template file posted on the Settlement website) by uploading it to the Settlement website via the online claim portal. All relevant fields in the Option Two Claim Form Spreadsheet must be completed.

By signing, I submit to the jurisdiction of the Court with respect to my claim and I acknowledge that I shall be deemed to have, and by operation of law and the November 19, 2020, Final Judgment, Order of Dismissal With Prejudice, and Order Granting Motion for Final Approval of Class Settlements (“Final Judgment Order”) shall have fully, finally, and forever waived, released, relinquished, and discharged all Released Claims against the Released Parties, as defined in Paragraphs 19 and 21 of the Final Judgment Order, and in the Settlements themselves, all of which are posted on the Settlement Website, shall be forever enjoined from prosecuting in any forum any Released Claims against any of the Released Parties, and agree and covenant not to sue any of the Released Parties on the basis of any Released Claims or to assist any third party in commencing or maintaining any suit against any Released Party related in any way to any Released Claims.

Under penalty of perjury and the laws of the United States, I certify that the information herein and/or submitted with this Claim Form is true and correct and that I made the identified purchases during the Class Period.

PLEASE RETURN POSTMARKED NO LATER THAN MARCH 19, 2021.

SIGNATURE: _____ **DATE:** ____ / ____ / ____

PRINTED NAME: _____ **PHONE NUMBER:** _____

EMAIL ADDRESS: _____

Questions? Call 1-844-245-3777 or visit FXIndirectAntitrustSettlement.com



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